

**AMENDMENTS TO THE DRAWINGS**

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1. In Figure 1, previously omitted element 13 referring to the "individual catalogs" of page 6, line 17 of the Patent Application has been added.

Attachment: Replacement Sheet

## **REMARKS**

### **I. Overview**

These remarks are set forth in response to the Latest NFOA. Presently, claims 1 through 19 are pending in the Patent Application. Claims 1, 7, 13 and 19 are independent in nature. Claims 1-3, 6-9, 12-15, and 18-20 stand rejected under 35 U.S.C. § 102 for anticipation based upon Haynes et al., U.S. Patent Publication No. 2006/0218052 (hereinafter Haynes). Further, claims 4-5, 10-11, and 16-17 were rejected under 35 U.S.C. § 103 for obviousness based upon Haynes in view of Flaxer et al., U.S. Patent Publication No. 2003/0033218 (hereinafter Flaxer). In response, Applicants submit herewith an amended Figure 1 to address Examiner's objections thereto. Otherwise, Applicants respectfully traverse the rejections on the art.

### **II. Rejections under 35 U.S.C. §§ 102 and 103(a)**

In the amendment filed April 14, 2011 (the "Last Amendment"), Applicants amended independent claims 1, 7, 13 and 19 to specifically recite the separate nature of the supplier catalogs from the aggregated catalog. Support for this teaching can be found at page 6, lines 13 through 18 in which it is stated:

The model 10 includes three categories of participants: buyers 12, suppliers 14, and an administrator 16. In some embodiments, the administrator 16 will also be a buyer 12. The administrator 16 is responsible for deploying and managing the online marketplace 18. The online marketplace 18 includes a supplier hub 28 in which the buyers 12 can browse an aggregated catalog 30 aggregated from the individual catalogs of each of the suppliers 14.

Accordingly, at present, exemplary claim 1 recites

1. A method of creating a marketplace with hosted supplier stores comprising the steps of:
  - providing tools for creating and managing a hosted supplier store to each of a plurality of suppliers through a commerce site, said tools including a catalog facility for uploading and managing a supplier catalog for said hosted supplier store;
  - receiving a plurality of supplier catalogs from said plurality of suppliers;
  - aggregating said plurality of supplier catalogs into an aggregated catalog that is separate from the plurality of supplier catalogs; and
  - providing a buyer with access to said aggregated catalog and separate access to at least one of said plurality of supplier catalogs that is separate from the aggregated catalog on said commerce site.

As Examiner will recognize, claim 1, as in the case of claims 7, 13 and 19, expressly recite "an aggregated catalog that is separate from the plurality of supplier catalogs".

At page 9 of the decision on appeal mailed September 23, 2010, the Honorable Board of Patent Appeals and Interferences (the "Board") observed that Applicants claim language of the then un-amended claims 1, 7, 13 and 19 did not expressly claim that the supplier catalogs were separate from the aggregated catalog. The Board further noted in findings of fact 5

and 6 that Haynes expressly taught an "aggregated catalog" in the form of data warehouse that incorporates the catalogs of each supplier--and such findings are considered "res judicata" . Therefore, as already decided by the Honorable Board, necessarily in Haynes the "aggregated catalog" in the form of the data warehouse is NOT separate from the supplier catalogs as taught by page 6, lines 13 through 18 of Applicants' specification and now expressly claimed in claims 1, 7, 13 and 19.

To the extent, that the findings of the Board in respect to the teachings of the data warehouse including the supplier catalogs are not subject to further argument either by Applicants or Examiner, Examiner's reliance upon Haynes at page 5 of the Latest NFOA for the teaching of an aggregated catalog that is separate from the supplier catalogs is not permitted. Accordingly, withdrawal of the rejections on the art is respectfully requested.

### III. Conclusion

Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. §§ 102(b) and 103(a) owing to the amended claims and foregoing remarks. The Applicants request that the Examiner call the undersigned if

clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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